

United States Courts
Southern District of Texas
FILED

JUN 15 2020

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Jahziel Trevino-Cantu

CRIMINAL COMPLAINT

Case Number: C-20-1239M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about June 14, 2020 in Kenedy County, in the Southern District of Texas defendant, Jahziel Trevino-Cantu

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Gilbert Ruiz

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

June 15, 2020

Date

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

Signature of Complainant

Gilbert Ruiz

Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On June 14, 2020, Border Patrol Agent (BPA) J. Cantu was conducting primary inspection duties at the United States Border Patrol Checkpoint near Sarita, Texas. BPA canine handler A. Villafuerte was utilizing his service canine to conduct free air sniffs of vehicles approaching the primary inspection area. At approximately 10:20 a.m., a red Nissan Altima with one visible occupant approached the primary inspection lane. The vehicle was driven by Jahziel Trevino-Cantu.

Trevino-Cantu replied, "Houston, Texas" when asked about his travel destination. BPA Cantu noticed Trevino-Cantu appeared nervous, looked forward, avoided eye contact, and spoke very rapidly. BPA Cantu asked if the vehicle belonged to him, and Trevino-Cantu stated that it belonged to his mother. At this time, BPA Cantu noticed an AR-15 semi-automatic rifle on the rear seat and asked Trevino-Cantu if it belonged to him. Trevino-Cantu responded by stating "Yes, and I have my ammunition in the front with me."

BPA Cantu then asked for consent to search the contents of the trunk. Trevino-Cantu immediately replied, "No, you can't look in my trunk because I know my rights." BPA Cantu requested that BPA Villafuerte use his canine partner to conduct a free air sniff of the vehicle. BPA Villafuerte had observed his canine partner was already alerting to the vehicle. BPA Cantu referred the vehicle to the secondary inspection area of the checkpoint, but Trevino-Cantu refused. Trevino-Cantu requested to speak with a Supervisor because he wanted to know how the canine had alerted. Trevino-Cantu was directed to secondary once again and eventually complied. As Trevino-Cantu was directed to secondary inspection he began to record the encounter with his cellphone. Trevino-Cantu stated to Agents that he purchased the rifle at Danny's Pawn Shop in McAllen, Texas.

A search of the trunk revealed a total of four individuals concealed inside. The subjects admitted to being citizens of Mexico and El Salvador illegally present in United States. A digital temperature reading of the trunk was 104.9 degrees Fahrenheit. Trevino-Cantu and the four smuggled aliens were placed under arrest and escorted inside the checkpoint for further investigation.

Once Trevino-Cantu was placed under arrest, BPA D. Guerrero was handed his cellphone. BPA Guerrero noticed the phone was no longer recording but was still on. BPA Guerrero decided to turn off the phone and exited the camcorder screen. BPA Guerrero then noticed a photograph of what appeared to be Trevino-Cantu's shirt along with the same illegal aliens in the trunk of the vehicle with the rear seats down. As BPA Guerrero escorted Trevino-Cantu to a cell, Trevino-Cantu asked, "Hey are they keeping me here because I had a gun in the car, and how long is this going to take?" BPA Guerrero informed him that he was arrested due to having people concealed inside the trunk. Trevino-Cantu replied, "Well I know of a lot of people that smuggle and get caught, and you guys just let them go like nothing."

During transport from the checkpoint to the Kingsville Station Trevino-Cantu made voluntary utterances to BPA J.D. Cavazos, which included him disclosing that he does not have a job and was just trying to make money. Trevino-Cantu was advised of his Miranda Rights prior to being transported to the Kingsville Station.

Miranda Rights:

The defendant and smuggled aliens were read their Miranda Rights in their preferred languages. Trevino-Cantu acknowledged understanding his rights and declined to provide a statement. The material witnesses agreed to provide statements without the presence of an attorney.

Defendant - Jahziel Trevino-Cantu Statement:

Trevino-Cantu declined to provide a statement.

Material Witness - Gilberto Garcia-Romero Statement:

Garcia-Romero stated that he illegally entered the United States from Matamoros, Mexico, and was held at a stash house in Brownsville, Texas. He was later moved to another stash house and a hotel in San Benito. On the morning of the smuggling event, the Nissan arrived at the hotel. Garcia-Romero recalled being the third person to enter through the rear passenger door. The driver asked for his cellphone, and Garcia-Romero informed him that it was turned off. The driver instructed him to hand over his phone a second time while tapping the rifle that was located between the front seat and middle console. Garcia-Romero disclosed that he feared for his life upon seeing the rifle. Garcia-Romero and the other illegal aliens entered the trunk through the rear seats and the driver lifted the rear seats. They continued to travel for approximately 45 minutes and the driver told them not to move and stay quiet as they approached the checkpoint. Garcia-Romero described the trunk as a hot tight space, and he was unable to breathe. Garcia-Romero identified Trevino-Cantu as the driver on a photo lineup.

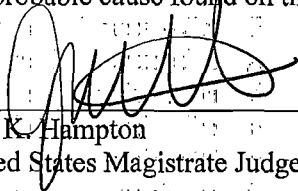
Material Witness - Juan Pablo Romero-Diaz Statement:

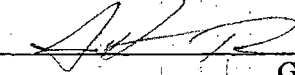
Romero-Diaz entered illegally through Brownville, Texas and was eventually taken to a hotel. He remained at the hotel with the three other illegal aliens for one day and was instructed to get inside the red car parked in front of the hotel room. Romero-Diaz recalled seeing a man in the driver's seat with a tattoo on his left hand. The driver instructed them to get into the trunk and not make noise. Romero-Diaz and the three others entered the trunk through the rear seats. Before arriving at the checkpoint the driver told them to be quiet and closed the back seats. Romero-Diaz stated the trunk was very hot and that he as sweating profusely. Romero-Diaz identified Trevino-Cantu as the driver on a photo lineup.

Disposition:

The case was accepted by the Assistant United States Attorney's Office against Jahziel Trevino-Cantu for prosecution for violating Title 8 USC 1324, Alien Smuggling. Gilberto Garcia-Romero and Juan Pablo Romero-Diaz will be held as material witnesses in this case.

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on the June 15th, 2020.


Julie K. Hampton
United States Magistrate Judge


Gilbert Ruiz
Border Patrol Agent